



Entered on Docket  
May 15, 2007

Hon. Linda B. Riegle  
United States Bankruptcy Judge

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Attorneys for USA Capital Realty Advisors, LLC

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re: USA COMMERCIAL MORTGAGE  
COMPANY, Debtor.

In re: USA CAPITAL REALTY ADVISORS, LLC,  
Debtor.

In re: USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC, Debtor.

In re: USA CAPITAL FIRST TRUST DEED FUND,  
LLC, Debtor.

In re: USA SECURITIES, LLC, Debtor.

Affects:

- ☐ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☒ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC

Case No. BK-S-06-10725 LBR  
Case No. BK-S-06-10726 LBR  
Case No. BK-S-06-10727 LBR  
Case No. BK-S-06-10728 LBR  
Case No. BK-S-06-10729 LBR

Chapter 11

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING THE OMNIBUS  
OBJECTION OF USA CAPITAL  
REALTY ADVISORS, LLC TO  
MISFILED CLAIMS**

Date of Hearing: April 26, 2007  
Time of Hearing: 9:30 a.m.

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The Omnibus Objection of USA Capital Realty Advisors, LLC to Misfiled Claims (the "Objection") (Docket No. 3019) came before this Court on proper notice at the hearing held April 26, 2007, at 9:30 a.m. Steven C. Strong of Ray Quinney & Nebeker P.C. appeared on behalf of USA Capital Realty Advisors, LLC, Eve Karasik of Stutman, Treister & Glatt, P.C. appeared on behalf of the Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC (the "FTDF Committee"), and other appearances were noted on the record.

A limited response to the Objection was filed by the FTDF Committee (Docket No. 3482). No other responses were filed.

THE COURT, having considered the Objection and the limited response thereto, and having determined that good and sufficient cause exists for sustaining the Objection to the extent set forth below, HEREBY ORDERS THAT:

1. All of the claims listed on Exhibit A to the Objection, as set forth in the following table, are disallowed in their entirety:

	<u>Claimant</u>	<u>Proof of Claim No.</u>	<u>Date Claim Filed</u>	<u>Proof of Claim Amount</u>
1	Adams, Brian M 525 S 6Th St Las Vegas, NV 89101	10726-00048	11/8/2006	325,000.00
2	Adams, Herman M Brian M & Anthony G 1341 Cashman Dr Las Vegas, NV 89102	10726-00050	11/8/2006	3,625,000.00
3	Allergy Consultants Medical Group Inc C/O Dionisio Fernandes Trustee 401K Profit Sharing Plan 4001 Oak Manor Ct Hayward, CA 94542-1445	10726-00035	10/10/2006	58,071.84
4	Baginski, Michael 12881 Knott St #205 Garden Grove, CA 92841	10726-00049	11/10/2006	288,283.00
5	Berry, William Chad 11136 Acama St Apt 312 Studio City, CA 91602-3067	10726-00058	11/13/2006	200,000.00
6	Debra A Gant-Hickel & Russell J Hickel 4725 Goodwin Rd Sparks, NV 89436	10726-00029	8/16/2006	33,245.88



7	Deller, Ross 1469 Harmony Hill Henderson, NV 89014	10726-00018	5/8/2006	50,000.00
8	Deller, Ross 1469 Harmony Hill Henderson, NV 89014	10726-00019	5/8/2006	100,000.00
9	Deller, Ross 1469 Harmony Hill Henderson, NV 89014	10726-00020	5/8/2006	120,000.00
10	Deller, Ross 1469 Harmony Hill Henderson, NV 89014	10726-00021	5/8/2006	50,000.00
11	Deller, Ross 1469 Harmony Hill Henderson, NV 89014	10726-00022	6/5/2006	100,000.00
12	Falvai, Brenda 252 N Paseo De Juan Anaheim, CA 92807-2319	10726-00012	6/2/2006	50,933.34
13	Falvai, Brenda 252 N Paseo De Juan Anaheim, CA 92807-2319	10726-00013	6/2/2006	50,972.22
14	Falvai, Brenda 252 N Paseo De Juan Anaheim, CA 92807-2319	10726-00015	6/2/2006	50,933.34
15	Falvai, Brenda 252 N Paseo De Juan Anaheim, CA 92807-2319	10726-00016	6/2/2006	37,860.24
16	Fernandes, Dionisio A & Fiola 4001 Oak Manor Ct Hayward, CA 94542-1445	10726-00034	10/10/2006	244,646.92
17	Fernandes, Jason D & Fiola 4001 Oak Manor Ct Hayward, CA 94542-1445	10726-00032	10/10/2006	151,359.38
18	Fernandes, Melissa A & Dionisio 4001 Oak Manor Ct Hayward, CA 94542-1445	10726-00033	10/10/2006	116,143.68
19	Frieda Moon & Sharon C Van Ert Joint 2504 Callita Ct Las Vegas, NV 89102-2094	10726-00004	5/23/2006	51,033.34
20	Frieda Moon & Sharon C Van Ert Joint 2504 Callita Ct Las Vegas, NV 89102-2094	10726-00007	5/23/2006	51,076.38
21	Frieda Moon Fbo Sharon C. Van Ert 2504 Callita Ct Las Vegas, NV 89102-2020	10726-00005	5/23/2006	35,583.34
22	Frieda Moon Fbo Sharon C. Van Ert 2504 Callita Ct Las Vegas, NV 89102-2020	10726-00006	5/23/2006	17,538.18

23	Karen Petersen Tyndall Trust Dtd 3/9/94 C/O Karen Petersen Tyndall Ttee 1012 Greystoke Acres St Las Vegas, NV 89145-8659	10726-00040	11/9/2006	1,115,915.59
24	KPT Irrevocable Trust Dated 7/16/99 C/O Karen Petersen Tyndall Ttee 1012 Greystoke Acres St Las Vegas, NV 89145-8659	10726-00046	11/10/2006	202,866.38
25	Law Offices Of James J Lee 7674 W Lake Mead Blvd #108 Las Vegas, NV 89128	10726-00052	11/13/2006	200,000.00
26	Layne Family Trust Bruce & Sherry Layne C/O Lawrence D Rouse Esq 523 S 8Th St Las Vegas, NV 89101	10726-00036	11/9/2006	240,000.00
27	Lee, James J 7674 W Lake Mead Blvd #108 Las Vegas, NV 89128	10726-00053	11/13/2006	200,000.00
28	Mirzaian, Katrine 708 Prospect Dr Glendale, CA 91205	10726-00066	1/10/2007	344,011.56
29	Moon, Frieda Trustee Of The Decedent's Trust Of The Restated Moon Irrevocable Trust 2504 Callita Ct Las Vegas, NV 89102	10726-00001	5/22/2006	37,860.24
30	Moon, Frieda Trustee Of The Decedent's Trust Of The Restated Moon Irrevocable Trust 2504 Callita Ct Las Vegas, NV 89102	10726-00002	5/22/2006	51,033.34
31	Moon, Frieda Trustee Of The Decedent's Trust Of The Restated Moon Irrevocable Trust 2504 Callita Ct Las Vegas, NV 89102	10726-00008	5/23/2006	51,076.38
32	Moon, Frieda Trustee Of The Decedent's Trust Of The Restated Moon Irrevocable Trust 2504 Callita Ct Las Vegas, NV 89102	10726-00009	5/23/2006	25,538.20
33	Olympia Capital Management C/O Geraldine Houghton 2871 Pinta Perris, CA 92571	10726-00051	11/9/2006	100,000.00
34	Quinn, Edward & Darlene 660 New Brookhaven Dr Lee's Summit, MO 64081	10726-00023	7/10/2006	156,388.48



35	Saunders, John H & Anita 3665 Brighton Way Reno, NV 89509	10726-00064	11/27/2006	50,000.00
36	Silver Saver Mart Inc Po Box 124 Silver Springs, NV 89429	10726-00028	8/14/2006	36,386.45

3. All of the claims listed on Exhibit B to the Objection, as set forth in the following table, are disallowed in their entirety:

	<u>Claimant</u>	<u>Proof of Claim No.</u>	<u>Date Claim Filed</u>	<u>Proof of Claim Amount</u>
1	Cronk, Arlene C/O Michael Lehnert Esq 429 Marsh Ave Reno, NV 89509	10726-00010	5/30/2006	272,206.96
2	Doucet, D. Joseph Tlee Of Doucet Trust 3301 Skyline Blvd Reno, NV 89509-6604	10726-00067	1/12/2007	502,335.71
3	Jung, Margarita 1405 Vegas Valley #317 Las Vegas, NV 89109	10726-00027	7/28/2006	91,534.04
4	Sturza, Harold 2705 Orchid Valley Dr Las Vegas, NV 89134-7327	10726-00031	9/29/2006	Blank

4. The claims listed in the table in paragraph 3 above are deemed to be timely filed general unsecured claims asserted against USA Commercial Mortgage Company ("USACM"), but are subject to any objections that may be interposed by the USACM Liquidating Trust or any other party entitled to object to claims; and

5. The claims that are disallowed pursuant to this Order are disallowed in their entirety and for all purposes as claims against USA Realty Advisors, LLC and are not allowed as claims against USA Capital First Trust Deed Fund, LLC or against any of the other Debtors in these jointly-administered bankruptcy cases, except as provided in paragraph 4 above.

Submitted by:  
SCHWARTZER & MCPHERSON LAW FIRM  
and RAY QUINNEY & NEBEKER P.C.

By: /s/ Lenard E. Schwartz

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Approved by:  
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By: /s/ Andrew Parlen

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Equity Security Holders of USA Capital  
First Trust Deed Fund, LLC*

Approved by:  
LEWIS AND ROCA, LLP

By: /s/ Rob Charles

SUSAN M. FREEMAN, ESQ.  
ROB CHARLES, ESQ.

Approved by:  
OFFICE OF THE U.S. TRUSTEE

By:   
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